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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/437,694 11/10/99 NAGAWASA

K B208-346 DIV

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WM01/1023

EXAMINER

NGUYEN, H

ART UNIT

PAPER NUMBER

2615

12

DATE MAILED:

10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/437,694

Applicant(s)

NAGAWASA ET AL.

Examiner

HUY T NGUYEN

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on Oct 05, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/437,694 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 31-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not describe a converter for converting third parallel data of M bits into fourth parallel data of N bits, the third parallel data being derived from first parallel data of N bits received by an input unit as specified in claim 31 and 37. The specification does not describe an error correction unit that error corrects second parallel data of N bits received by the input unit as specified in claims 31 and 37.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 31-37 are far as understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (5,012,352) in view of Official Notice .

Regarding claims 31 and 34- 37, Yoshimura discloses a coding apparatus (Figs. 5 and 7) for coding first data and second data and for recording the coded first data and second data on a recording medium (column 1, lines 45-60) comprising:

means for receiving the first parallel data and second parallel data (column 5, lines 5-45) ;

coding means (104,108, 110,111,112) for coding the first parallel data and second parallel data into N and N' bits (column 5, lines 5-45, column 3, lines 12-65) ;
and

a converter (30) for converting the first code data and second code data into M bits to equalize the number of bits in the first parallel data and second parallel data (Figs. 10 and 11).

Yoshimura further teaches an error correcting means for correcting the video and audio signal but fails to specifically teach that the error correction means is used after converting of the first data. However, it is noted that shifting a part from one position to another position to perform the same function of error correcting data is obvious to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Yoshimura by using the error correction means and integrating the error correction means as an integral part to providing a common error correction means for error correcting the converted first parallel data and second parallel data. See *Rearranging of location of parts*, *In re Japikse*, 86 U.S.P.Q. 70 and *integral or separate part*, *In re Larson et al*, 144 U.S.P.Q. 347.

Regarding claim 32, Yoshimura fails to teach that the first parallel data is coded with a different pulse code modulation. However, it is noted that coding a signal with a different pulse code modulation is well known in the art. Therefore, Official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Yoshimura by using a different pulse code modulation for encoding the first parallel data as an alternative method of encoding the first parallel data.

Regarding claim 33, Yoshimura fails to specifically teach that the second parallel data is a video signal and audio signal multiplexed. However, it is noted that providing a television signal that has a video signal and an audio signal multiplexed is well known in

the art . Therefore, Official Notice is taken and it would have been obvious to one of ordinary skill in the art using a means for providing the second data with a television signal that has a video signal and an audio signal multiplexed as an alternative signal source.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


HUY T NGUYEN
PRIMARY EXAMINER

H.N
October 19, 2001